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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,732	03/29/2004	Kevin Girard Conwell	13814	1432
7590 ORUM & ROTH 53 W. JACKSON BLVD CHICAGO, IL 60604		06/11/2007	EXAMINER NGUYEN, CAMTU TRAN	
			ART UNIT 3772	PAPER NUMBER
			MAIL DATE 06/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,732

Applicant(s)

CONWELL ET AL.

Examiner

Camtu T. Nguyen

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-21 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3-8-2007</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Response to Amendment***

This Office Action is in response to applicant's amendment filed on July 21, 2006. No claim has been amended. Applicant's comments pertaining to the references applied in the previous Office Action are acknowledged, however, the claims are not deemed allowable for the reasons below.

With regards to applicant's comments pertaining to the 102(a) rejection to Codos et al, applicant cited in claim 1 a UV curing module comprising, a transition phrase which is inclusive or open-ended and does not exclude additional, unrecited elements in the UV curing module which might allow attachment between UV during module and the label rewinder. See Mars Inc. v. H.J. Heinz Co., 377 F.3d 1369, 1376, 71 USPQ2d 1837, 1843 (Fed. Cir. 2004). Furthermore, the Examiner pointed out in the rejection that the printing machine (600) has a stationery housing (601), as a unified apparatus, in which the UV light heads (645, 646) and the rollers (666) reside, thus, the UV light heads (645, 646) and the roller (666) are evidently connected to each other. For the reasons above, it is unavoidable the Codos et al anticipate applicant's claims as applied in the previous Office Action. Such rejection is maintained.

With regards to applicant's comments pertaining to the 103(a) rejection to Codos et al in view of Lincoln et al, as a teaching for a reflector, as recited in claim 11. Applicant's argument is that one of ordinary skill would not combine Codos et al and Lincoln et al. However, with regards to the Lincoln et al's lamp (80) having a reflector (82), one of skilled in the art would apply the teaching of Lincoln's reflector (82) on Codos et al's UV light heads for the purposes of

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directing the UV radiation onto the labels. This teaching would benefit the drying application presented by Codoes et al and as well as in the air treatment system with a printer presented by Lincoln et al and as well as many other drying system that would require adjustment of a focal point and intensity of the light energy. For the reasons above, the Codos et al and the Lincoln et al rejection are combinable in view of the reflector. Such rejection is maintained.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the filter recited in claim 8 and the at least one activated lamp recited in 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 9, 10, 15, and 16 are objected to because of the following informalities: applicant recited in claims 9 and 10 a plurality lamps and a selected lamp from the plurality of lamps to select a wavelength and a light energy and then applicant recited in claims 15 and 16 a plurality of filters and a selected filter from the plurality of filters for performing the same function as the lamps in claims 9 and 10. Are these the same?

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, the at least one activated lamp is selected from the plurality of lamps to select a wavelength and a light energy, is not supported by the specification, as originally disclosed.

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Claims 10 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case, the at least one filter is selected from the plurality of filters to select a wavelength and a light energy.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4-7, and 12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Codos et al (U.S. Patent No. 6,467,898). Codos et al discloses in Figures 2-4 a printing machine (600) having a housing (601) comprising a conveyor table (615) on which a length of substrate web (605) is supported for printing, jet UV ink heads (640, 641), UV light heads (645, 646) exposing sufficient level of UV light onto jet UV ink printed on substrate (605), and a series of rollers (666) take up and roll the printed material web (605). The printing machine (600) and housing (601), as a unified apparatus, the UV light heads (645, 646) is attached to the rollers (666).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Codos et al (U.S. Patent No. 6,467,898) in view of Scheffer (U.S. Patent No. 4,563,589). Codos et al discloses in Figures 2-4 a printing machine (600) having a housing (601) comprising elements as recited in these claims but does not teach a filter. Scheffer discloses an ultraviolet curing lamp device comprising a light source (3) and a mirror (5), this mirror selectively reflect a broad band of ultraviolet light. Therefore it of ordinary skilled in the art would apply the Scheffer's mirror (5) on to Codos et al's UV lamps as such would help to maintain consistent UV wavelength.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Codos et al (U.S. Patent No. 6,467,898) in view of Lincoln et al (U.S. Patent No. 5,935,525). Codos et al discloses in Figures 2-4 a printing machine (600) having a housing (601) comprising elements as recited in these claims but does not teach a reflector. Lincoln et al discloses in Figure 3a ultraviolet lamp (80) having a reflector (82). Therefore it would have been obvious to one skilled in the art to install reflector as taught by Lincoln et al in Codo et al's UV lamps as such would direct UV radiation onto labels (4).

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Codos et al (U.S. Patent No. 6,467,898), modified by Scheffer (U.S. Patent No. 4,563,589) above, and further in view of Lincoln et al (U.S. Patent No. 5,935,525). Codos et al discloses in Figures 2-4

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a printing machine (600) having a housing (601) comprising elements as recited in these claims but does not teach a reflector. Lincoln et al discloses in Figure 3a ultraviolet lamp (80) having a reflector (82). Therefore it would have been obvious to one skilled in the art to install reflector as taught by Lincoln et al in Codo et al's UV lamps as such would direct UV radiation onto labels (4).

Claims 9, 10, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Codos et al (U.S. Patent No. 6,467,898) and further in view of Gonser (U.S. Patent No. 4,112,335). Codos et al discloses in Figures 2-4 a printing machine (600) having a housing (601) comprising elements as recited in these claims but does not teach the at least one activated lamp is selected from the plurality of lamps to select a wavelength and a light energy. Gonser discloses a rapid pulse ultraviolet light apparatus in the form of xenon flash tube. Therefore it would have been obvious to one skilled in the art to substitute the Codos et al's UV light heads (645, 646) for Gonser's rapid pulse ultraviolet light apparatus as such would provide not only accurate range of light wavelength but also would be more efficient.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Codos et al (U.S. Patent No. 6,467,898), modified by Gonser (U.S. Patent No. 4,112,335) above, and further in view of Lincoln et al (U.S. Patent No. 5,935,525). Codos et al, mo discloses in Figures 2-4 a printing machine (600) having a housing (601) comprising elements as recited in these claims but does not teach a reflector. Lincoln et al discloses in Figure 3a ultraviolet lamp (80) having a reflector (82). Therefore it would have been obvious to one skilled in the art to install reflector as taught by Lincoln et al in Codo et al's UV lamps as such would direct UV radiation onto labels (4).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Camtu Nguyen
May 24, 2007

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5/28/07